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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/364,070	07/30/1999	AKIHIRO SUZUKI	3327.2062-01	8907	
22852 7590 08/24/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER		
			QIN, YIXING		
			ART UNIT	PAPER NUMBER	
			2625		
			[
			MAIL DATE	DELIVERY MODE	
		08/24/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Application No.	Applicant(s)				
		09/364,070	SUZUKI ET AL.				
		Examiner	Art Unit	_			
		Yixing Qin	2625				
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the o	orrespondence address				
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. In period for reply is specified above, the maximum statutory period vere to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from 1, cause the application to become ABANDONE	N. nely filed the mailing date of this communication.				
Status							
1)⊠	Responsive to communication(s) filed on 13 Ap	oril 2007					
· —	This action is FINAL . 2b) This action is non-final.						
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)🖂	Claim(s) <u>1-6,15-20 and 26-31</u> is/are pending in	the application.					
	4a) Of the above claim(s) <u>15</u> is/are withdrawn from consideration.						
5)🖂	Claim(s) <u>1-6</u> is/are allowed.						
6)	Claim(s) is/are rejected.						
· · · · · · · · · · · · · · · · · · ·	Claim(s) is/are objected to.						
	Claim(s) <u>1-6,15-20 and 26-31</u> are subject to re-	striction and/or election requirem	ent.				
Applicati	on Papers						
9)□ .	The specification is objected to by the Examine	r.					
· · · · · ·	· _		Fxaminer				
	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correct		, ,				
11)[The oath or declaration is objected to by the Ex		•				
Priority u	inder 35 U.S.C. § 119						
_	Acknowledgment is made of a claim for foreign ☐ All b) ☐ Some * c) ☐ None of:	priority under 35 U.S.C. § 119(a)-(d) or (f).				
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the prior	ity documents have been receive	ed in this National Stage				
	application from the International Bureau	ı (PCT Rule 17.2(a)).	-				
* S	ee the attached detailed Office action for a list	of the certified copies not receive	ed.				
		•					
Attachma=	Nel						
Attachment	t(s) e of References Cited (PTO-892)	A) D Intonvious Current	(DTO 412)				
	e of References Cited (P10-692) e of Draftsperson's Patent Drawing Review (PT0-948)	4) Ll Interview Summary Paper No(s)/Mail D					
3) 🔲 Inform	nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	5) Notice of Informal F 6) Other:					

Application/Control Number: 09/364,070

Art Unit: 2625

Election/Restrictions

Restriction to one of the following inventions is required under 35 USC 121:

- Species of the embodiment disclosed on page 27, lines 24-26, page 28, lines 1-10.
- II. Claims 16-20, and 26-31 are drawn to a different species of the job processing system that processes jobs according to attribute information and current and previous states of the jobs, disclosed in Figs. 45, 46.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

There is an examination and search burden for these patentably distinct species due to their mutually excusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S. C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that a response to this requirement to be complete must include (i) an election of a species to be examined even though the requirements may be traverse (37 CFR 1.143) and (ii) identification of the claimed encompassing the elected species, including any claims subsequently added. An argument that a claim is

Application/Control Number: 09/364,070

Art Unit: 2625

allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed error in the election of species requirement, the election shall be treated as an election with out traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

Art Unit: 2625

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the applicant. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2625

TWYCHR LAMB SUPERVISORY PATENT EXAMINER